

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Council Chambers, City Hall
Monday March 22, 2021
7 p.m.

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Monday March 22, 2021, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden

Commissioner Ford

Commissioner Ham

Commissioner Meder

Commissioner McNeer

Commissioner Hansen

Staff members present:

Robert Case, Chief Planner

David Knopick, Community Development Director

Melissa Krayca, Administrative Assistant

There were multiple members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on February 22, 2021.

Motion made by Commissioner McNeer to approve the minutes, seconded by Commissioner Ford.

Motion passed 6-0.

REGULAR AGENDA

1. Conduct public hearing for and consider multiple applications related to Aspen Creek development.

a. Z-21-01: Consider rezoning R2 to RP4 within Meadows of Aspen Creek II

b. PDP-21-01: Consider preliminary development plan for duplexes within Meadows of Aspen Creek II

c. PP-21-02: Consider preliminary plat for 33 lots within Meadows of Aspen Creek II

- d. Z-20-09:** Consider rezoning R2 to R1 property within Aspen Creek V
- e. PP-20-12:** Consider preliminary plat for 56 lots within Aspen Creek V

Mr. David Knopick, Community Development Director presented the items to be considered as well as the process and by laws of the conducting a public hearing.

APPLICANT PRESENTATION

Judd Clauseen of Phelps Engineering presented the proposed plans for single family homes and duplexes in the Aspen Creek neighborhood. He also made comparison of current plans with what had been approved in 2005. Mr. Claussen stated that Phelps Engineering firm is simply trying to finish what had been laid out previously to fit with the newer ordinances.

STAFF PRESENTATION

Mr. Robert Case, Principal Planner, presented the information found in the staff report for both projects Aspen Creek V and the Meadows of Aspen Creek II covering a total of 33.59 acres and consisting of 89 lots. There are 33 duplex lots for 66 dwelling units located within the Meadows of Aspen Creek II, and 56 single-family lots within the proposed Aspen Creek V. The total development will consist of mixed housing types including 56 Suburban detached homes and 33 compact duplexes. An open space is included which will provide walking trails, Frisbee golf and a hammock station.

Historically, the property was annexed into the City in 1996 as part of a larger 158 acres site. It was rezoned to R-1 (single-family) in June of 1996 and then the south section was rezoned to R-2 back in 2001. The Aspen Creek neighborhood is currently a mix of single-family and duplexes in a traditional suburban pattern. The development proposes to utilize a compatible zoning district to the adjacent properties and provide a buffer to the commercial development to the east and south. The change in zoning from R-2 to RP-4 has minimal impact to the neighborhood and aligns with the proposed plat lines. The property has remained undeveloped for 19 years and the proposed change is consistent with the future land use map designation per the applicable sub-area and supports various housing goals and policies of the Comprehensive plan. The applicant is matching the current suburban frontage type with sidewalks on both side of the street to be consistent with both the duplex and single-family homes.

The following deviations were requested by the applicant:

1. 4' sidewalk on both sides of the street in lieu of the standard 5' sidewalk required on one side.
2. Suburban Yard Frontage Type in lieu of the Neighborhood Yard, Terrace or Courtyard.
3. 87% of frontage driveway width instead of the standard access width limits of 30%, 24' max per access point.
4. Proposing 75% Frontage Design as oppose to the standard 0-40% hardscape, with the remainder either landscape or turf. This would allow for the 2 car garage and wider driveway.

Mr. Case stated that the staff is in agreement of the deviations and consistent with the goals of the Comprehensive Plan while providing a mix of housing which can serve a multiple age groups of the Gardner population. The proposed development promotes site and building design, and mitigates potential impacts on adjacent property owners.

PUBLIC HEARING:

Scott Garrie of 28749 W 184th St expressed his concern that the development is surrounded by C-3 future land use and a park is being squeezed in that does not meet land development code and believes it to be an unsafe park due to its proposed location under the power lines. He would like to know how and where the park impact fees are being used and believes that they need to be re-invested in the Aspen Creek neighborhood. He mentioned concern of increased traffic and stated that the previous developer had considered eliminating the duplexes in previous plans to mitigate the traffic increase. Mr. Garrie requested consideration of zoning the entire area R-1 as well as that proposed open space to follow a trail

Joey Kramer of 18515 S Mulberry Ct read a letter on behalf of his fiancé and homeowner Stephanie Lentz. Letter is attached.

Gina Huffman of 29101 W 186th St stated her current concern that her grandson is not able to play in the street or along the sidewalks because the traffic is so bad already. When she leaves for work in the mornings it takes her 5 minutes to make a left hand turn onto Gardner Rd from 186th St. she believes that adding more housing in the area is incomprehensible. Her backyard backs up to the proposed park area and she has crawdads in her backyard. She has multiple sump pumps running during rain periods and also has invested in a great deal of storm water diversion in her backyard. She concluded that homes in the area selling for 300k and did not understand how putting low income housing in the neighborhood made sense.

Samson Mulwa of 28999 W 185th St stated he has lived in his home for almost 16 years and is mostly concerned with the increase of traffic and decrease of property value. He would like to know the square footage of the proposed homes to be built and if the homes will be for rent or for sale. He expressed hope that the commissioners would make the right decision.

Cody Grauberger of 18481 S Cherry St stated he agrees with all of the previous statements expressed but his foremost concern is watershed as his property backs up to the proposed development. During heavy rains he has observed the shrubs and vegetation being damaged and pushed back. He is worried that the development will bring more water onto his property as well as neighbors. He is interested in the results of the storm water and traffic impact studies and would like to be assured the areas and intersections be kept clean during the construction phase.

Mauricio Leon of 28967 W 185th St lives in the last house of the block and maintains the empty lot near the field and has voluntarily maintained it over the years. He said that he notices traffic parking at the end of the street and is concerned for increase of traffic as well as property values declining if low income homes are built in the neighborhood. He asked that the commissioner keep safety of the community in mind when choosing to allow low income homes.

Motion was made to close the public hearing by Commissioner Ford and seconded by Commissioner McNeer.

Motion passed 6-0

APPLICANT RESPONSE:

Judd Claussen of Phelps Engineering returned to podium to address questions and concerns from the residents and commissioners. He stated that the plan is to finish off a subdivision that has been vacant for many years with quality homes and that the 7.4 acres would have 8ft wide trails, Frisbee golf and other amenities. He stated that it was not unusual for a park to be under power lines and then referenced the Buffalo Meadows Park in Lenexa that has soccer and playing fields under power lines. Secondly he stated the sidewalks are to be consistent with what is already there and even though they are 1ft narrower they are on both sides of the street when it is only required to be on one side of the street. This will provide more pedestrian conductivity options for the residents in the subdivision and those who live adjacent to the proposed development. He addressed the storm water concerns next and referenced the utility plan in his previous presentation. A whole new storm sewer system is to be installed with area inlets and underground storm pipes designed to meet the City storm water ordinances. It will be a considerable improvement to the drainage concerns if given the chance to go ahead with development.

COMMISSION DISCUSSION:

Commissioner Meder asked why the RP-4 designation when R-2 would suit the density because RP-4 also includes congregate living and retirement communities.

Mr. Claussen explained that the type of building is best suited under the RP-4 with consideration of the lot size and building type, although the plan does require the intensity the RP-4 would allow. It was agreed upon by staff that the RP-4 would best fit the building type as oppose to ask for additional deviations. The intention is to continue to build similar type of duplexes already there. Mr. Knopick chimed in to help explain that they are limited to duplexes only because that is what is included in the preliminary plan. The applicant would be required to come before the Planning Commission again with a revised plan to be approved if the any other type of building were to be established. He also stated that lots less than 10,000 square feet were not allowable in R-2 but RP-4 allowed the 8,000 to 9000 square foot lots to build the duplexes. He emphasized it was better to limit the intensity of use in the preliminary plan under RP-4 instead of R-2 with multiple additional deviations.

Commissioner Hansen inquired about the deviations requested to gain a better understanding concerning the sidewalk widths, neighborhood, courtyard and suburban setback types. Mr. Knopick stated the staff felt it would be important to keep sidewalks on both sides of the street to match the current development pattern of the adjacent property, and the chosen setback types follows the same logic as well and works well with the lot size.

Commissioner McNeer asked for clarification if that the developer wanted to make any changes to the current development plan they would indeed need to come back before the commission for approval. He also inquired if the proposed duplexes would be similar to duplexes already in place. Mr. Knopick assured him that the developer is required to re-submit any changes and yes the duplexes are similar to the current ones with some variations of building materials and the 2 car garages.

Commissioner Hamm asked if there was a way in which to create a buffer in the open space area to safety the kids from entering the roadway easily.

Mr. Claussen pointed out there is large hedge row of trees in place between the proposed park area and the interstate, and they have no intention of removing any of the trees.

Mr. Case also stated that a buffer is required between the single family and duplex developments.

Commissioner Hamm then inquired if there are any options to mitigate the traffic impact that the residents expressed concern during public hearing, especially at 186th & Gardner Rd.

Mr. Knopick stated that the traffic impact study had been completed and it may fall on the public works department to help mitigate the impact if it were determined to be necessary. He elaborated on every developer pays an excise tax as part of the process during development to contribute to a fund that's dedicated to major street improvements.

Chairman Boden asked if the expressed concern over water pooling and crawdads on the proposed park area would be addressed.

Mr. Claussen assured that drainage would be improved with grading as well with storm retention area that will be used to improve the drainage before it's released to the south meeting the City of Gardner's storm water quantity and quality requirements.

Mr. Knopick also stated that the developer is responsible to adhere city code and retain the storm water increase and any grading in an easement would have to be approved by the respective utility as well.

Chairman Boden also asked for response about the remarks made about the proposed trails and Frisbee golf station not meeting the Parks Master Plan.

Mr. Knopick explained the comparison of public parks versus the open space requirement for private development. The proposed open space would be operated and maintained by Aspen Creek HOA and not the City of Gardner.

Chairman Boden pointed out the planned New Life Church would be built behind and any other development would be further west. He then asked what the relative square footage would be of the proposed homes.

Mr. Claussen confirmed that the intention was to be of the same square footage of the already developed area and Mr. Knopick then explained the buildings are not subject to any requirement itself but by the setbacks around the perimeter of the property.

Chairman Boden also pointed out that 186th is a wider street and was designed that way to provide traffic to the arterial roads.

Motion made after review of applications Z-21-01, a rezoning of 15.59 acres located at the terminus of 186th Street approximately 2000' east of Gardner Road, parcel ID CF221436-1005, from R-2 (Two-Family Residential) District to RP-4 (Planned Mixed-Density Neighborhood) District, and preliminary development plan PDP-21-01 for Meadows of Aspen Creek II dated February 1, 2021, and staff report dated March 22, 2021, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

- 1. The storm water plan and traffic study shall be approved prior to approval of any final development plan/final plat.**
- 2. Revised building elevations and enhanced landscape plans, per staff comments related to the deviation requests, will be submitted with the final development plan/final plat for review and approval.**
- 3. The proposed trail within the identified open space shall be a minimum of 8 feet wide.**
- 4. Provide a level II landscape buffer between this site and the proposed single-family development to the north.**

Motion by Commissioner McNeer and seconded by Commissioner Ford.

Motion passed 6-0.

Motion made after review of case number PP-21-01, a preliminary plat for the Meadows of Aspen Creek II, Parcel ID CF221436-1005, located at the terminus of 186th Street approximately 2000' east of Gardner Road, a staff report dated March 22, 2021, and a preliminary plat dated February 1, 2021, the Planning Commission approves the application as proposed, provided the following condition is met:

- 1. Approval of a Storm water Management Plan and Traffic Impact Study by the Public Works Department.**

Motion by Commissioner Ford and seconded by McNeer.

Motion passed 6-0.

Motion made after review of application Z-20-09, a rezoning for .12 acres located approximately 450' from the terminus of 185th Street (a portion of Tax ID CF221436-1005) from R-2 District to R-1 District, and staff report dated March 22, 2021, the Planning Commission recommends the Governing Body approve the application.

Motion by Commissioner McNeer and seconded by Ford.

Motion passed 6-0.

Motion made after review of case PP-20-12, a preliminary plat for Aspen Creek V, Tax Id CF221436-1005, located at the terminus of Canton Street approximately 525' south of 183rd Street and preliminary plat dated December 4th, and staff report dated March 22nd, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Approval of a storm water Management Plan and Traffic Impact Study by the Public Works Department.**

Motion by Hansen and seconded by McNeer.

Motion passed 6-0.

DISCUSSION ITEMS

Mr. Knopick announced the items will go to City Council Monday April 19th, 2021 and that is to give time to residents within 200 feet of rezoning the allotted 14 day period to file their protest if they wish.

ADJOURNMENT

Motion to adjourn made Hansen and seconded by Ford.

Motion passed 6-0.

Meeting adjourned at 9:02 p.m.

Subject: Citizens against Prieb multi-family development

Dear Planning Commission,

I am writing to express my deep concern regarding a possible Prieb development in Aspen Creek. Gardner is a great city. I moved here 17 years ago when I bought my townhome in the Meadows of Aspen Creek, and it is my primary residence. Gardner has all the small-town charm with the big city access.

I love Aspen Creek, and Gardner in general. We have a great community; safe, clean, and a growing economy. But it's been brought to my attention that there is a possibility that our beloved community will be changing for the worse soon.

If the Prieb development plans are approved, we can expect an immediate and lasting decrease in the value of our community. Prieb is not known for its quality development of homes. To put it bluntly, they build junk homes that quickly need repair. We DO NOT want Prieb multi-family homes in our Aspen Creek subdivision, and we are asking you to look beyond the city's short-term financial gain and put yourselves in the shoes of the residents who live here.

We are deeply concerned about our families' quality of life, and we are vehemently against the development of adding low income 4 to 6 plexes in Aspen Creek off 186th street. This will drag down our property values. The density of the project, jamming in multi-family homes into a small space, and the heavy traffic that will cut through the sub-division if the city agrees to more multi-housing development, will have a lasting negative effect on our community.

What we need is more open and safe outdoor areas for parks for our children to play. We would like to remind you that the city committed to having a usable park with park space in 2017, and we are hopeful you will follow through on your commitment to the citizens of Gardner and more specifically, Aspen Creek.

We implore you to do the right thing, follow the park master plan, and fulfill your obligations to take care of the citizens of Gardner. As a refresher, natural open space (Trails/Greenways, and Parks) should be located along prominent ridges, valleys and view corridors and areas where other natural features such as significant vegetation or water features exist. They are not to be located under major power lines as proposed in the current development plan.

We are already facing a number of issues in southern Gardner with the increased truck traffic from BNSF Intermodal, and now with the approval for a development of a Quick Trip Truck Stop.

Please note: we are not against development. In fact, we are for limited, and well-thought-out development opportunities, ones in which have long-lasting positive effects for the future of Gardner's residents.

The net-net here is: We are citizens for the health and economic development of Gardner. In this case, passing a vote to develop numerous jam-packed multi-family homes in Aspen Creek and one without a useable park, is not the answer.

We need to increase community spaces for our youth to engage and develop pro-social behaviors. I urge you to see this issue through the lens of the residents who live here. The focus needs to be on:

1. Quality of life
2. Useable and safe parks and open spaces
3. Higher walkability score in southern Gardner

Study after study has shown that by focusing on the 3 items above, the result would be more economic benefits. Lasting economic benefits do not come from building low-quality multi-family homes.

There is a way we can work together to come to an agreeable solution. Will you work with us?

Thank you in advance for your cooperation,

Nicole Lentz

Meadows of Aspen Creek resident
913-963-9858